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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,375	09/23/2003	Dae Jin Lim	3449-0273P	9203
2292 7590 08/18/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
DESTR, JEAN WICEL				
ART UNIT		PAPER NUMBER		
2622				
NOTIFICATION DATE		DELIVERY MODE		
08/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/667,375

Applicant(s)

LIM ET AL.

Examiner

Jean W. Désir

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008 and 05 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 8, 9, 13-15 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 8, 9 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5, 8, 9, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (US 6,766,528).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1:

Kim discloses:

"displaying an ~~audio-video~~ audio/video (A/V A/V) broadcast signal and a first data broadcast signal based on an Open Cable based broadcasting standard", see Fig. 2 items 103-107, col. 1 lines 7-9, col. 2 lines 4-7, lines 51-53;

"tuning to a second data broadcast signal based on an ATSC (Advanced Television Systems Committee) based broadcasting standard different than the Open Cable based broadcasting standard in response to a request for a modification of the first data broadcast signal being displayed", see Fig. 2 items 204, 201, col. 6 lines 13-16, col. 3 line 67 to col. 4 line 5;

"and displaying the tuned second data broadcast signal based on the ATSC based broadcasting standard", see col. 6 lines 26-28, col. 4 lines 4-5;

"wherein when the A/V broadcast signal is a first A/V broadcast signal including the first data broadcast signal, the first A/V broadcast signal is received and tuned through a first tuner", see Fig. 2 items 103, 104;

"wherein when the A/V broadcast signal is a second A/V broadcast signal including the second data broadcast signal, the second A/V broadcast signal is received and tuned through a second tuner", see Fig. 2 item 204, col. 6 lines 13-22;

"wherein when the first A/V broadcast signal is received and tuned through the first tuner, a first transport packet processor (see Fig. 2 items 105, 202, 201) connected to an output of the first tuner extracts the first data broadcast signal from the first A/V broadcast signal, and when the second A/V broadcast signal is received and tuned through the second tuner, a second transport packet processor (see Fig. 2 items 203, 202, 201) connected to an output of the second tuner extracts the second data broadcast signal from the second A/V broadcast signal";

"and wherein a data processor connected to the first and second transport packet processors processes the corresponding first and second data broadcast signals, and

an A/V processor connected to the first and second transport packet processors processes the corresponding first and second A/V broadcast signals such that any one of the first and second data broadcast signals can be displayed together with any one of the first and second A/V broadcast signals”, see col. 5 lines 15-56, col. 6 lines 23-55. Claim 4 is also disclosed, Kim teaches simultaneously displayed as claimed, see Kim at col. 4 lines 4-5, col. 6 lines 26-28.

Claim 5 is rejected for the same reasons as claim 1.

Claim 8 is rejected for the same reasons as claim 4.

Claim 9 is rejected for the same reasons as claim 1.

Claim 13 is disclosed, see col. 3 line 67 to col. 4 line 5, col. 5 line 57 to col. 6 line 28.

Claim 14 is rejected for the same reasons as claim 4.

Claim 15 is rejected for the same reasons as claim 1.

Allowable Subject Matter

3. Claims 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed have been fully considered but they are not persuasive.

The Applicants argue on pages 9, 10 of the amendment filed on 5/1/08, and on page 2 of the supplemental reply filed on 6/5/08, “However, nowhere in Kim et al. states

that this "other network" includes broadcasting standards. For a proper 102 rejection, the reference must specifically disclose each and every feature of the claim. Since Kim et al. does not, this rejection is improper". These arguments are not persuasive, Kim discloses all the claimed invention as pointed out in the rejection; the examiner agrees with the Applicants "for a proper 102 rejection, the reference must specifically disclose each and every feature of the claim"; however, identity of terminology is not required. Other network has been interpreted as included other broadcasting standard network, because **network** is defined as included **a chain of interconnected broadcasting stations**, for instance a TV network; that is to say, the claimed language is inherent to Kim's disclosure. Thus, contrary to the Applicants' arguments, the rejection is proper.

The Applicants argue on pages 2, 3 of the supplemental reply "Further, it is respectfully submitted that the modem in Kim et al. should not be broadly interpreted to be equivalent to a TV tuner". These arguments are not persuasive, the modem 204 of Kim has been interpreted as inherently included a tuner, because the modem 204 can be tuned to broadcast signal based on broadcasting standard network as claimed and as pointed out in the rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David L. Ometz/
Supervisory Patent Examiner, Art Unit 2622

JWD
8-5-08